IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

Bail Appl..No. 4197 of 2007()

CR. NO. 37/07 OF SULTAN BATHERY EXCISE RANGE
CMP.1040/2007 of J.M.F.C.-II, SULTHANBATHERY

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PETITIONER/ACCUSED NO.1

RAJAN @ PRABHAKARAN, S/O NARAYANAN,
KUNNATH HOUSE, PADICHIRA,
SULTANBATHERY.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS: COMPLAINANT/STATE

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1. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. EXCISE INSPECTOR,
SULTAN BATHERY EXCISE RANGE.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4197 of 2007

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Dated this the 11th day of July, 2007

O R D E R

Application for regular bail. Allegations are raised under the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 150 x 100 ml. of Karnataka arrack in packets on 27.6.07. He was arrested and continues in custody from that date. There is no allegation of any antecedent criminality against the petitioner.

2. The learned counsel for the petitioner prays, the and learned Prosecutor does not seriously oppose the said prayer on condition that the Investigator is granted reasonable further time to complete the investigation I am satisfied that the petitioner can now be directed to be enlarged on bail subject to appropriate terms and conditions. The learned Prosecutor points out that the petitioner is involved in other crimes under the Abkari Act also.

3. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall not be released from custody on the strength of this order prior to 19.7.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

(b) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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